

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

LORETTA KENNY,

Plaintiff,

-against-

JOHN E. POTTER, UNITED STATES POSTAL
SERVICE, DEPARTMENT OF JUSTICE OF THE
UNITED STATES,

Defendants.

NOT FOR PUBLICATION

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

05-CV-1415 (KAM)(JMA)

----- X

MATSUMOTO, United States District Judge:

Presently before the court is a Report and Recommendation ("R&R") issued by Magistrate Judge Joan M. Azrack on January 24, 2011, recommending that the court dismiss with prejudice plaintiff Loretta Kenny's claims against defendants John E. Potter, United States Postal Service, and the Department of Justice of the United States (collectively "defendants") for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (See ECF No. 33, R&R dated 1/24/2011 at 2, 5-6.)

Notice and a copy of the R&R were sent electronically to the parties via the court's electronic filing system on January 24, 2011. (See Notice of Electronic Filing accompanying R&R dated 1/24/2011.) As explicitly noted at the end of the R&R, any objections to the R&R were to be filed within fourteen (14) days of receipt of the R&R. (See R&R at 6.) Accordingly, any

objections to the R&R had to be filed by February 7, 2011. Judge Azrack, however, gave the parties additional time, until February 10, 2011, to file objections to the R&R. (See ECF Docket Entry for R&R dated 1/24/2011 (indicating that objections to the R&R were due by February 10, 2011).) The period for filing objections has now expired, and no objections to Magistrate Judge Azrack's R&R have been filed.

In reviewing a R&R, the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where no objection to the R&R has been filed, the district court "'need only satisfy itself that there is no clear error on the face of the record.'" *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (*quoting Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Upon a review of the R&R, and considering that the parties have failed to object to any of Judge Azrack's well-grounded recommendations, the court finds no clear error in Judge Azrack's R&R and hereby affirms and adopts the R&R as the opinion of the court.

/

/

/

/

The Clerk of the Court is respectfully ordered to enter judgment dismissing with prejudice the claims against the defendants in accordance with Judge Azrack's R&R and to close this case.

SO ORDERED.

Dated: February 11, 2011
Brooklyn, New York

_____/s/
Kiyo A. Matsumoto
United States District Judge